

1 James T. Walker
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4 Plaintiff,
5 JAMES T. WALKER
in pro per

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8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 CIVIL JURISDICTION

11 JAMES T. WALKER,

Case Number: C07-3100 BZ

12 Plaintiff,

PLAINTIFF'S SEPARATE CASE
MANAGEMENT CONFERENCE
STATEMENT

13 vs.

14 C&H SUGAR, et. al.,

JURY TRIAL DEMANDED

15 Defendants.

16 /
17
18 **CASE MANAGEMENT CONFERENCE STATEMENT**

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20 **I. JURISDICTION and SERVICE**

21 This action arises under the rules of admiralty and maritime law, (the Jones Act claims, 46
22 U.S.C., and general maritime laws, 46 U.S.C. 46, U.S.C. Section 688 recently re-codified at 46
23 U.S.C. 30106, Section 1333 - federal question, and 28 U.S.C. Section 1367 - supplemental
24 jurisdiction).

25 All parties except Doe defendants have been served.

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FILED
AUG 4 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

II. FACTS

On or about May 1, 2002, while operating in the course and scope of his employment with Pacific Maritime Association, was employed at the C&H Sugar plant in Crocket, CA. On that date, Defendant C&H Sugar was engaged in unloading raw sugar which sugar was to be refined at its Crocket, CA location. A person operating C&H Sugar equipment (backhoe) struck Plaintiff causing Plaintiff severe disabling and life long injuries. The operator contemporaneously stated that the equipment malfunctioned.

Separately, Plaintiff claims that he was discriminated against by his employer and his union. Immediately after his injury, and while incapacitated, he, through the efforts of family members, sought help due to his disability and was ignored.

III. LEGAL ISSUES

C&H Sugar and related parties asserts a statute of limitations defense. Plaintiff submits that he was incapacitated throughout the statute of limitations period and that said period is tolled due to injury to his brain accompanied by emotional paralysis.

Other parties claim no discrimination.

Plaintiff submits that C&H's cavalier attitude and policies contributed to his damages. No one offered to call an ambulance post incident and left Plaintiff in his own to seek medical care. The delay in obtaining treatment exacerbated the initial injury.

IV. MOTIONS

Plaintiff anticipates moving the Court to add Defendants and causes of action post discovery. Plaintiff is presently unaware of whether or not C&H Sugar maintains its own equipment or is maintained by an outside source in which case such source will be added as a defendant.

V. AMENDING PLEADINGS

Please see above.

VI. EVIDENCE PRESERVATION

Plaintiff has preserved any and all evidence to be used in his case-in-chief. It is unknown whether or not C & H Sugar has preserved records regarding its equipment and statements taken at

1 the scene. C&H Sugar failed to contact Cal OSHA as required which omission

2 **VII. DISCLOSURES**

3 Plaintiff provided his initial Rule 26 Disclosures.

4 **VIII. DISCOVERY**

5 Plaintiff has not conducted discovery as yet. Plaintiff anticipates concluding his own
6 discovery over the next 60 days.

7 **IX. CLASS ACTION**

8 This is not a class action case.

9 **X. RELATED CASES**

10 Plaintiff is unaware of any related cases.

11 **XI. RELIEF**

12 Plaintiff seeks compensation for his injuries and compensation for the discrimination he's
13 experienced.

14 **XII. SETTLEMENT and ADR**

15 There have been no settlement discussions. Plaintiff is open to ADR.

16 **XIII. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

17 Plaintiff consents to the sitting Magistrate Judge.

18 **XIV. OTHER REFERENCES**

19 None.

20 **XV. NARROWING ISSUES**

21 Plaintiff submits that given his medical records, the tolling of the statute of limitations should
22 be conceded by opposition parties.

23 **XVI. EXPEDITED SCHEDULE**

24 None.

25 **XVII. SCHEDULING**

26 Plaintiff suggests that he can designate experts without six months and will be ready for trial
27 within one year.

XVIII. TRIAL

2 Due to the number of medical documents and health care professionals dealing with multiple
3 injuries, Plaintiff anticipates 7 days for trial before a jury.

XIX. DISCLOSURES RE INTERESTED PARTIES

None.

XX. *ERRATA*

Plaintiff anticipates obtaining the assistance of counsel prior to trial.

Date _____

|||||

James T. Walker
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Plaintiff in pro per